

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CAROLYN ADELE PADRON,	)	
	)	
	)	
Plaintiff,	)	
	)	Case No. CIV-24-683-F
-vs-	)	
	)	
ENDURANCE DEALER SERVICES,	)	
	)	
Defendant.	)	

**ORDER**

The court has an independent duty to determine whether subject-matter jurisdiction exists. Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006).

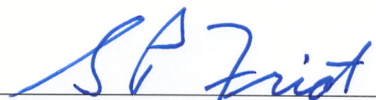
According to plaintiff's complaint, the court has jurisdiction over this action based upon 28 U.S.C. § 1332 (diversity jurisdiction). Doc. no. 1, ¶ 3. Section 1332 provides that the court shall have original jurisdiction where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between "citizens of different States." 28 U.S.C. § 1332(a)(1). Upon review of the complaint's jurisdictional allegations, the court concludes they are insufficient to support the exercise of diversity jurisdiction.

The complaint alleges that "Plaintiff Carolyn Adele Padron is a resident of Oklahoma." Doc. no. 1, ¶ 1. Residence alone is not the equivalent of citizenship. State Farm Mut. Auto. Ins. Co. v. Dyer, 19 F.3d 514, 520 (10<sup>th</sup> Cir. 1994); Walden v. Broce Const. Co., 357 F.2d 242, 245 (10<sup>th</sup> Cir. 1966). An individual is a citizen of the state where she is domiciled. Crowley v. Glaze, 710 F.2d 676, 678 (10<sup>th</sup> Cir. 1983). Domicile is established by physical presence in a place, coupled with an intent to remain there. Mississippi Band of Choctaw Indians v. Holyfield, 490 U.S.

30, 48 (1989). The complaint must allege the state where plaintiff is a citizen, not the state where she is a resident.

Accordingly, plaintiff is **DIRECTED** to file an amended complaint within 14 days of the date of this order which provides the missing jurisdictional information identified in this order.<sup>1</sup> Failure to comply may result in the dismissal without prejudice of this action.

DATED this 10<sup>th</sup> day of July, 2024.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Lest it be thought that this requirement exalts formalities a bit too much, the court will note that it is not unusual for the Tenth Circuit, after a case has run its course in the district court, to remand the case because the jurisdictional allegations made at the very outset of the case were deficient – a turn of events that can and should be avoided so that the parties may litigate on the merits without having to worry about losing the benefit of a judgment in the final stage of litigation.